

MONTANA LEGISLATIVE HISTORY

Chapter 465 19 73

Bill H 367 S _____ Original bill & history ____C

H. Committee on Business & Industry

S. Committee on ^{Judiciary}
~~Business & Industry~~

Hearing Date(s) 1-29-73 ____C

Hearing Date(s) 2-26-73 ____C

2-2-73 ____C

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Date Out _____C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____

Report _____

February 26, 1973 continued

HB 244 was also discussed. Representative Lynch, sponsor, spoke. Senator Gilfeather moved this bill be concurred in; Senator Mathers seconded the motion; and the committee voted this bill BE CONCURRED IN.

HB 238 Senator Turnage moved this bill be concurred in; Senator Moore seconded; and the committee voted this bill be concurred in.

HB 237 Senator Gilfeather moved this bill be concurred in. Senator Hall seconded. Senator Mathers made a substitute motion that this bill be not concurred in; Senator Turnage seconded the motion; and the committee voted this bill BE NOT CONCURRED IN.

HB 402 Senator Turnage moved that amendments proposed by Sen. McKeon be adopted; Senator Boylan seconded the motion; and the committee adopted the amendments. (attached)

Senator Moore moved that as amended this bill be concurred in; Senator Boylan seconded the motion; and the committee voted this bill AS AMENDED BE CONCURRED IN.

HB 367 Senator Turnage moved to amend the bill; Senator Harrison seconded the motion and the committee adopted the following amendments:

I move to amend Section 3, page 2, line 3 by striking the word "felony" and inserting in lieu thereof the word "misdemeanor"

And further amend Section 3, page 2, line 4 by striking the words "in the state prison"

And further amend Section 3, page 2, line 5 by striking the word and number "five (5)" and inserting in lieu thereof the word and number "one (1)"

And further amend Section 3, page 2, line 6 by striking the words and number "five thousand dollars (\$5,000)" and inserting in lieu thereof "one thousand dollars (\$1,000)"

Senator Harrison moved it be concurred in; Senator Boylan seconded, and the committee voted this bill AS AMENDED BE CONCURRED IN.

HB 453 Senator Turnage moved this bill be not concurred in; Senator Boylan seconded the motion; and the committee voted this bill BE NOT CONCURRED IN.

HB 341 Senator Turnage moved that this bill be held over until the 1974 session; Senator Boylan seconded the motion; and the committee voted this bill BE HELD OVER.

The meeting adjourned; the next meeting is scheduled for February 27.

Judiciary COMMITTEE
43rd LEGISLATIVE SESSION 1973

[illegible]

1973

House

BUSINESS AND INDUSTRY

COMMITTEE

42nd Legislative Assembly

Bill No	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action	Final Action
HB 313	requiring fire marshall to investigate the exact cause & circumstances of fires damaging or destroying property	1-23-73	2-9-73		2-9-73	DO PASS	
HB 319.	increasing the size of the board of trade...	1-23-73	2-12-73		2-12-73	HOLD ONE YEAR	
SB 75	provide an exemption for water conditioner installers from regulation under the board of plumbing examiners.	1-23-73	1-31-73		2-2-73	BE CONCURRED IN	
SB 100	require the revenues & profits from reserves be considered in determining insurance rates.	1-23-73	2-19-73		2-19-73	BE CONCURRED IN	
HB 366	relating to the assignability of consumer paper.	1-23-73	1-29-73		2-2-73	AS AMENDED DO PASS	
HB 367	prohibiting the use of chain distributor schemes.	1-23-73	1-29-73		2-2-73	DO PASS	

BUSINESS AND INDUSTRY COMMITTEE

January 29, 1973

The Business and Industry committee meeting was called to order this date with Chairman Mehrens presiding. All members were present.

HB 179 was before the committee for consideration. Rep. Holmes, sponsor, presented the bill to the committee. Other proponents testifying were the following: Mr. Don Adrich, Mr. D. Frank Kampfe, Mr. Steve Coldiron, Shirely Berg, and Mr. Paul Richards. Prepared statements are attached.

Opponents to this bill were the following: Mr. Bob Carette, Mr. Henry Loble, Mr. Cal Robinson, Mr. George D. Remington, Mr. Robert Henkel, Mr. Al Donohue, Mr. D. H. Siewert, Mr. Dave Holiday, Mr. Robert Miller, and Mr. John W. McDonald. Prepared statements are attached.

HB 366 was presented to the committee by Rep. Regan, sponsor. Other proponents were Rep. John Hall, Mrs. Doris M. Poppler, and Rep. Harper.

Opponents were Mr. Bob Burke, Mr. Socs Vratiss, Mr. J. T. Loendorf, and Mr. Wesley W. Wertz.

HB 367 was presented to the committee by Rep. Regan, sponsor. Other proponents were Mrs. Doris M. Poppler, Rep. Bardanouve, and Rep. Harper. There were no opponents.

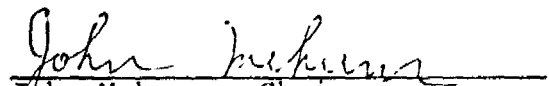
HB 178...Rep. Zimmer, sponsor, gave a summary and proposed an amendment(attached) to this bill. Other proponents were Mr. William Penttila, Mr. H.H. Romans, and Mr. Wallace Stephens. There were no opponents.

HB 121...Rep. Lockrem moved the adoption of the amendments, which are attached. This motion passed unanimously.

Rep. Harper moved that HB 121 as amended DO PASS.

Rep. Lockrem made a substitute motion that HB 121 be retained by the committee for further study and presented to the House of Representatives not later than the tenth day of legislation in the next session. This motion passed with Rep. Driscoll, Kessner, Mercer, and Regan voting NO.

There being no further business, the meeting adjourned.


John Mehrens, Chairman

NAME Pat Regan

BILL NO. 366

ADDRESS 204 Mountain View, Billings

DATE 1-29-36⁷

WHOM DO YOU REPRESENT? Myself

SUPPORT? X OPPOSE? AMEND?

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Will furnish copy

Pat Regan

NAME Doris M Popper Bill No. ³⁶⁷ 366
ADDRESS 2525 Terrace Dr DATE 1/29/73
Billings, Mont.

WHOM DO YOU REPRESENT? Yellowstone County Attorney's Office

SUPPORT? ☒ OPPOSE? ☐ AMEND? ☐

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

HB 366...Rep. Regan moved adoption of amendment, attached. The motion passed unanimously. Rep. Driscoll moved HB 366 as amended DO PASS. Rep. Rolfe made a substitute motion to amend HB 366 by striking the subsection 2. The motion failed with Rep. Lockrem, Rolfe, Selstad, and Kessner voting YES. Rep. Driscoll's motion passed with Rep. Lockrem, Rolfe, Selstad, Kessner, and Mercer voting NO.

HB 367...Rep. Lien moved HB 367 DO PASS. The motion passed with Rep. Selstad voting NO.

SB 75...Rep. Lien moved SB 75 BE CONCURRED IN. The motion passed with Rep. Quilici and Regan voting NO.

The meeting recessed until 10:30. All members were present with the exception of Rep. Lien.

The following bills were before the committee for consideration:

SB 148...Senator Carl, sponsor, presented the bill to the committee. There were no opponents.

SB 170...Senator Bertsche, sponsor, explained this bill. There were no opponents.

HB 308...Rep. Cox presented the bill to the committee. Mr. Raymond Peete testified as a proponent. His statement is attached. There were no opponents.

HB 278...Rep. Towe, sponsor, presented this bill to the committee. Opponents to this bill were Mr. Bob Carette, Mr. Lester Loble, and Mr. Gene Phillips.

HB 276...Rep. Towe, sponsor, presented this bill to the committee. He proposed as amendment, attached, to the bill. Opponents were Mr. John McDonald, Mr. Bob Carette, Mr. Lester Loble, and Mr. Gene Phillips.

HB 353...Rep. Towe, sponsor, explained this bill. Opponents were Mr. William O'Leary and Mr. Bob Carette.

HB 394... Rep. Laas, sponsor, presented this bill to the committee. Other proponents were Mr. Wesley Wertz, Mr. Bob Burke, Mr. Bruce Thompson, Mr. A. Riegel, and Mr. Les Alkee, There were no opponents.

The following actions were taken:

SB 148...Rep. Regan moved SB 148 BE CONCURRED IN. The motion passed unanimously

SB 170...Rep. Harper moved SB 170 BE CONCURRED IN. The motion passed unanimously.

dollars (\$500) or imprisoned in the county jail for a term not to exceed six (6) months, or both.

Section 4. It is the intent of the legislature that if a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid application.

Approved: March 24, 1973.

CHAPTER NO. 464

An Act Requiring American Indian Studies to be Part of the Educational Background of Public School Teaching Personnel Employed on, or in Public Schools Located in the Vicinity of, Indian Reservations Where the Enrollment of Indian Children Qualifies the School For Federal Funds for Indian Education Programs, and Encouraging American Indian Studies as Part of the Educational Background of all School Personnel Employed in the State.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It is the constitutionally declared policy of this state to recognize the distinct and unique cultural heritage of the American Indians and to be committed in its educational goals to the preservation of their cultural heritage. It is the intent of this act, predicated on the belief that school personnel should relate effectively with Indian students and parents, to provide means by which school personnel will gain an understanding of and appreciation for the American Indian people.

Section 2. (1) As used in this act, "American Indian studies" means instruction pertaining to the history, traditions, customs, values, beliefs, ethics and contemporary affairs of American Indians, particularly Indian tribal groups in Montana.

(2) As used in this act, "instruction" means

(a) a formal course of study offered by a unit of higher education developed with the advice and assistance of Indian people;

(b) in-service training developed by the superintendent of public instruction in cooperation with educators of Indian descent and made available to school districts, or

(c) in-service training provided by a local board of trustees, which is developed and conducted in cooperation with local Indian people.

Section 3. (1) By July 1, 1979, all boards of trustees for elementary and secondary public school districts on, or in public schools located in the vicinity of, Indian reservations where the enrollment of Indian children qualifies the school for federal funds for Indian education programs, shall employ only those certified personnel who have satisfied the requirements for instruction in American Indian studies as defined in section 2 of this act.

(2) Members of boards of trustees and all non-certified personnel in public school districts on or in the vicinity of Indian reservations are encouraged to satisfy the requirements for instruction in American Indian studies as defined in section 2 of this act.

Section 4. Boards of trustees for all public school districts other than those defined in section 3 above and governing authorities for all non-public schools in Montana are encouraged to comply with the provisions and intent of this act.

Approved: March 24, 1973.

CHAPTER NO. 465

An Act Prohibiting the use of Chain Distributor Schemes; and Providing a Penalty.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. As used in this act:

(1) "Person" means a natural person, corporation, partnership, trust or other entity and in the case of an entity it shall include any other entity which has a majority interest in such entity or effectively controls such other entity as well as the individual officers, directors and other persons in act of control of the activities of each entity.

(2) "Chain distributor scheme" means a sales device whereby a person, under a condition that he make an investment, is granted a license or right to recruit for consideration one or more additional persons who are also granted such license or right upon condition of making an investment, and may further perpetuate the chain of persons who are granted such license or right upon such condition.

Section 2. It is unlawful for any person to promote, sell, or encourage participation in any chain distributor scheme.

Section 3. Any person violating the provisions of this act shall be deemed guilty of a felony and upon conviction shall be

imprisoned in the state prison for a period not to exceed one (1) year, or punishable by a fine not to exceed one thousand dollars (\$1,000), or both such fine and imprisonment.

Any person convicted of a second offense under this act shall be imprisoned in the state prison for a period not to exceed five (5) years or punishable by a fine not to exceed five thousand dollars (\$5,000) or both such fine and imprisonment.

Approved: March 24, 1973.

CHAPTER NO. 466

An Act Providing Procedures Within the Department of Labor and Industry That Will Enable Women to Reach Their Fullest Potential of Service and Contribution to Society.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. This act establishes as an affirmative policy of this state within the department of labor and industry procedures which will enable women to contribute to society according to their fullest possible potential.

Section 2. The department of labor and industry shall:

(1) Conduct studies about the changing employment needs and problems of women in Montana and make recommendations to the governor and the legislative assembly.

(2) Direct public attention to critical employment problems confronting women as wives, mothers, homemakers and workers.

(3) Serve as a clearing house for information and materials pertinent to programs and services available to assist and advise women on employment and related matters.

(4) Cooperate with governmental departments and agencies primarily involved in curbing job discrimination and in the expansion of employment rights and opportunities available to the women of this state.

(5) Conduct periodic conferences throughout the state to make women more aware of employment opportunities, programs and services available to them.

(6) Serve as the central, permanent agency for the coordination and evaluation of employment programs and services for women of the state and as a planning agency for the development of those services.

(7) Encourage women's organizations and other groups to institute local self-help activities designed to meet women's employment and related needs.

(8) Apply for and receive grants, appropriations or gifts from any federal, state or local agency, private foundation, or individual to carry out the purposes of this act.

Section 3. The commissioner of the department of labor and industry may issue rules of procedure and practice consistent with the Montana Administrative Procedure Act in order to administer and carry out the purposes of this act.

Approved: March 24, 1973.

CHAPTER NO. 467

An Act Excluding Agricultural Associations Formed Under the Cooperative Marketing Act from the Provisions of Section 94-1104, R.C.M. 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is a new section to be numbered 14-417.1, R.C.M. 1947, which reads as follows:

14-417.1. Associations executing marketing contracts in compliance with the provisions of this act shall not be deemed to be a conspiracy, a combination in restraint of trade or an illegal monopoly or trust in an attempt to lessen competition or fix prices arbitrarily under the provisions of section 94-1104.

Approved: March 24, 1973.

CHAPTER NO. 468

An Act to Amend Section 84-1501, R.C.M. 1947, by Reinstating a Provision Pertaining to an Alternative Method of Complying With Montana's Corporation License Tax Which Was Inadvertently Deleted By Section 1, Chapter 7, Second Extraordinary Session of the Laws of the Forty-Second Legislative Assembly.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 84-1501, R.C.M. 1947, is amended to read as follows:

"84-1501. Corporation license tax—organizations exempt therefrom—alternative tax based on gross sales. The term corporation